

1 LATONIA SMITH  
 2 9748 CANYON LANDING AVE.  
 3 LAS VEGAS, NV 89166  
 4 725-203-2455  
 5 PLAINTIFF IN PROPER PERSON

6  
 7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF NEVADA

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT - 7 2019	
BY: CLERK US DISTRICT COURT	DISTRICT OF NEVADA
DEPUTY	

6 LATONIA SMITH,

7 Plaintiff(s),

8 CASE NO. 2:19-CV-00856-DJA

9 -vs-

10 CAESARS ENTERTAINMENT  
 11 CORPORATION, a Delaware corporation;  
 12 PHWLV, LLC d/b/a PLANET HOLLYWOOD  
 13 RESORT AND CASINO, a Nevada limited  
 14 liability company; SHANNON PIERCE;  
 15 ETHAN THOMAS

16 Defendant(s).

17  
 18 **EMERGENCY MOTION TO EXPEDITE HEARING ON PLAINTIFF'S MOTION TO**  
 19 **REMAND/EXTRADITE ACTION TO STATE COURT**  
 20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 It is clear that based on the legal standards in this district and the Ninth Circuit  
 22 that this action has been improperly placed before this Court by defendants, and that is  
 23 not this Court's fault. However, it is even more clear that the court is delaying remanding  
 24 this action to aide defendants in their pending actions and prejudice Plaintiff by not  
 25 allowing her to move forward with critical discovery in the proper court, and that is this  
 26 Court's fault because the Court is now actively attempting to stall discovery and infringe  
 27 on Plaintiff's rights to a just and speedy resolution of the case matters, which Plaintiff  
 28

1 strongly believe are meritorious against defendants. The Court's aide of defendants  
2 has actually allowed defendants time to delete and alter evidence, unethically influence  
3 witness testimony, and continually impose and enact blatantly racist bans that should  
4 have no place in our society.

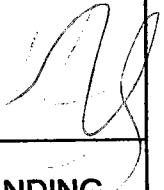
5 On May 23, 2019, Plaintiff filed a motion to have this case remanded back to  
6 state court and for defendants to pay all fees associated with the remand on the basis  
7 that defendants improperly removed the case. Defendants cite that they moved for  
8 removal because the Plaintiff pleaded a federal cause of action, which is blatantly false.  
9 In fact, the claim in which defendants reference cite that the claim is specifically being  
10 brought pursuant to three state statutes which provide additional relief for Plaintiff under  
11 the statutes. The mere fact that Plaintiff mentions a federal statute that was also  
12 violated by defendants is not grounds for removal and a simple reading of the Plaintiff's  
13 suit make it clear that the Plaintiff had no intentions of having the case in federal court  
14 or pursuing any federal claims. As this is the only contention regarding whether or not  
15 the case should be before a Federal Court and case law/statutes already support that  
16 this case should be remanded, it is unacceptable that the Court has still chosen to  
17 imprison this suit in the Federal Court system for four months (and intends to imprison it  
18 for even longer).

19  
20 The first rule of the Federal Rules of Civil Procedure state "these rules govern the  
21 procedure in all civil actions and proceedings in the United States district courts, except  
22 as stated in Rule 81. They should be construed, administered, and employed by the  
23 court and the parties to secure the just, speedy, and inexpensive determination of every  
24 action and proceeding." The notes of the advisory committee in the 1993 amendment to  
25 add the words "and administered" to the second sentence, recognized the affirmative  
26 duty of the court to exercise the authority conferred by these rules to ensure that civil  
27 litigation is resolved not only fairly, but also without undue cost or delay. In that regards,  
28

1 this Court has failed to adhere to the very first rule of Federal Civil Procedure by unduly  
2 delaying the remand of this action back to State court in which it was filed. For that  
3 reason, the Plaintiff moves on an emergency basis for this court to look at the single  
4 issue and make the determination for a remand (as it is clear that defendants'  
5 arguments concerning removal fail according to the Ninth Circuit and this district). The  
6 issue is not so extensive as to require that the court hold captive Plaintiff's lawsuit,  
7 frankly and respectfully. So, Plaintiff appreciates your time and attention to these  
8 important concerns and requests that this judicial body work to eliminate the biases  
9 which pervade it.

10 Dated this 7<sup>th</sup> day of October 2019.

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13 /s/ Latonia Smith  
14 LATONIA SMITH  
15 9748 CANYON LANDING  
AVE.  
LAS VEGAS, NV 89166  
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1 **DECLARATION OF LATONIA SMITH IN SUPPORT OF EMERGENCY MOTION TO**  
2 **EXPEDITE HEARING ON PLAINTIFF'S MOTION TO REMAND/EXTRADITE ACTION**  
3 **TO STATE COURT**

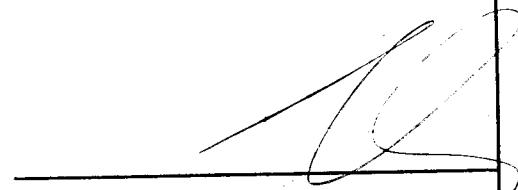
4 I, Latonia Smith, declare as follows:

- 5 1. On May 20, 2019 (as stated in court documents) defendants wrongfully removed  
6 this action to Federal Court for the sole purpose of imposing a delay in  
7 proceedings.
- 8 2. On May 23, 2019, Plaintiff filed a Motion to Remand the action back to state court  
9 where it was filed.
- 10 3. On May 24, 2019 defendants then sought to have the case removed from the  
11 Richard Boulware for obvious reasons concerning his race and reassigned to  
12 another judge.
- 13 4. Since then, the court has not ruled on the motion.
- 14 5. I strongly believe (and it is so evident that it can just be considered fact) that the  
15 Court is holding onto the motion in violation of the FRCP 1 and in order to aide  
16 defendants by indirectly staying discovery/preventing me from moving forth with  
17 discovery in the appropriate Court.
- 18 6. There is no legal basis for the case to have been removed to Federal Court and  
19 the Federal Court lacks jurisdiction over this case.
- 20 7. As the Court's attempts to delay the case imposes a prejudice on myself by  
21 allowing defendants time to delete and alter evidence, sustain a racist ban  
22 (CEC/PHWLV), and unethically alter witness testimony (including the fact that  
23 such testimony can be lost) I am moving for this matter to be heard on an  
24 emergency basis.
- 25 8. There is absolutely no reason for this Court to hold up this case in Federal Court;  
26 it is an abuse of our legal system and an abuse of my rights as a Plaintiff to  
27 proceed justly and speedily with my case matters.

28 I declare under the penalty of perjury of the laws of the State of Nevada that

1 the foregoing is true and correct to the best of my knowledge and belief, and that my  
2 assertions are true based on what can be ascertained by any reasonable person.

3 Dated October 7, 2019



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5 Latonia Smith  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am serving a true and correct copy of the EMERGENCY MOTION TO  
3 EXPEDITE HEARING ON PLAINTIFF'S MOTION TO REMAND/EXTRADITE ACTION TO  
4 STATE COURT on the parties set forth below by:

5 \_\_\_\_\_ placing an original or true copy thereof in a sealed envelope with the correct  
6 prepaid postage affixed for collection and mailing in the United States Mail, at  
7 Las Vegas, Nevada.

8  Certified Mail, Return Receipt Requested of the document(s) listed above to the  
9 person(s) at the address(es) set forth below

10 \_\_\_\_\_ E-service

11 \_\_\_\_\_ Personal delivery through a process server of the document(s) listed above to  
12 the person(s) at the address(es) set forth below

13 Riley Clayton

14 HALL JAFFE & CLAYTON, LLP

15 7425 Peak Drive

16 Las Vegas, NV 89128

17 702-316-4111

18 [rclayton@lawhjc.com](mailto:rclayton@lawhjc.com)

19 Alex Fugazzi and Michael Paretti

20 SNELL AND WILMER

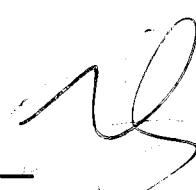
21 3883 Howard Hughes Parkway Suite 1100

22 Las Vegas, NV 89169

23 702-784-5200

24 [afugazzi@swlaw.com](mailto:afugazzi@swlaw.com)

25 [mparetti@swlaw.com](mailto:mparetti@swlaw.com)

26   
/s/ Latonia Smith

27 Plaintiff, In Proper Person

28 Dated this 7TH day of October 2019